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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 047912/0136

In re patent application of

Kenichi MIKI

Serial No. 09/878,270

Group Art Unit: 2185

Filed: June 12, 2001

Examiner: Unassigned

For: DATA READ/WRITE CONTROLLING METHOD, DISK ARRAY APPARATUS,  
AND RECORDING MEDIUM FOR RECORDING DATA READ/WRITE  
CONTROLLING PROGRAM

INFORMATION DISCLOSURE STATEMENT  
UNDER 37 C.F.R. §1.56 AND §1.97

Commissioner for Patents  
Washington, D.C. 20231

**RECEIVED**

OCT 30 2002

Technology Center 2100

Sir:

Submitted herewith on a Form PTO-1449 is a listing of a document known to applicant in order to comply with applicant's duty of disclosure pursuant to 37 CFR § 1.56. A copy of the listed document is being submitted to comply with the provisions of 37 CFR §§ 1.97-1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR § 1.56(b). Applicant does not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

TIMING OF THE DISCLOSURE AND FEE

This Information Disclosure Statement is being submitted in compliance with 37 C.F. R. §1.97(b) prior to the mailing date of the first Office Action. Therefore no fee is believed to be due.

CONCISE EXPLANATION OF RELEVANCE

The cited document A2 was cited in a Japanese Office Action during prosecution of a counterpart Japanese application.

A translation of the Japanese Office Action follows:

Ref. # 47912/136      SN: 09/878270

Claims 1 through 9

Cited Literature 1

Remarks

Cited Literature 1 describes an invention whereby, in a disk array device comprising multiple disk devices and multiple buffer memories corresponding to said disk devices, data is distributed among and stored in said multiple buffer memories, parity is stored in one of those buffer memories, and in case of buffer memory error, data is recovered from the data stored in other buffer memories.

Thus, achieving the invention of the present application based on the invention described in Cited Literature 1 is a matter that could be easily conceived of by a person skilled in the art.

List of Cited Literature

1. Japanese Unexamined Patent Application Publication H07-311658

Applicant's statements regarding the Japanese Office Action are based on a translation that Applicant's representative obtained. These statements should in no way be considered as an agreement by Applicant with, or an admission of, what is asserted in the Japanese Office Action.

An English translation of document A2 is not readily available; however, an English language abstract is provided herewith as available. The absence of such translation does not relieve the PTO from its duty to consider the submitted document (37 CFR § 1.98 and M.P.E.P. § 609).

Applicant respectfully requests that the listed document be considered by the Examiner and formally be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with M.P.E.P. § 609.

Respectfully submitted,

October 29, 2001

Date

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Should additional fees be necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge deposit account No. 19-0741 for any such fees; and applicant hereby petitions for any needed extension of time.